

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
 v.) Cr. No. 09-10243-MLW
)
RYAN HARRIS,)
Defendant.)

ORDER

WOLF, D.J.

February 9, 2012

As stated in court on February 7 and 8, 2012, it is hereby
ORDERED that:

1. By February 14, 2012, the parties shall:

a) File updated proposed jury instructions.

b) Submit memoranda in support of their proposed jury
instructions and addressing other issues of relevance to the
court's consideration of the proposed jury instructions and motions
in limine, including, but not limited to: 1) the nature of
independent or extrinsic evidence of a conspiracy between the
declarant and the defendant that is necessary to admit statements
under Federal Rule of Evidence 801(d)(2)(E); and 2) the role, if
any, of 47 U.S.C. §230 in analyzing the admissibility of posts to
an online forum pursuant to Federal Rule of Evidence 801(d)(2)(E).

c) In its submission, the government shall describe with
particularity the independent evidence of a conspiracy between the
declarant and the defendant it will offer with respect to each
declarant for whom it seeks rulings under United States v.
Petrozziello, 548 F.2d 20 (1st Cir. 1977).

d) The government shall produce to defendant all chalks and summaries it seeks to use at trial.

e) The government shall identify the witnesses it expects to call and the exhibits it will seek to introduce during the first three days of trial.

f) The defendant shall identify any experts whose testimony he wishes to present and make the disclosures required by Federal Rule of Criminal Procedure 16(b)(1)(C).

g) The parties shall inform the court whether they have agreed regarding the presence of a second government case agent during some or all portions of the trial. If they have not reached an agreement, they shall file memoranda addressing their positions on whether the court may, and should, permit the government to designate two case agents who are exempted from its sequestration order pursuant to Federal Rule of Evidence 615.

2. By February 16, 2012, at 11:30 a.m., the parties shall submit any responses to the February 14, 2012 submissions. The defendant shall also then inform the court of any objections to the government's chalks or summaries, and to the exhibits the government expects to offer during the first three days of trial.

3. If the defendant intends to offer witnesses or exhibits, he shall notify the government and the court forthwith. This obligation is continuing.

4. A hearing shall be held on February 16, 2012, at 2:15 p.m.,

and shall continue, if necessary, on February 17, 2012, at 9:00
a.m.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE

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